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June 10, 2003

VIA FACSIMILE 703-746-3242

Examiner Alex P. Rada
United States Patent and Trademark Office
Washington, DC 20231

Serial Nos. 10/211,063 and 10/211,063

Dear Examiner Rada:

Thank you very much for returning my call.

First, I wanted to confirm that the May 6, 2003 Office Action concerning Serial No. 10/015,314 is not final. Although the cover sheet indicates that it is a final action, you indicated that was a typographical error.

As I mentioned, my co-inventor and I, would like the opportunity for an interview with you to discuss these two pending applications. You asked me to submit a summary of issues that we would like to raise at the interview.

One reason we believe an interview would be helpful is that we can bring a laptop computer programmed to play the applicants' games. This will help explain the significant differences between the prior art and the claimed inventions. More specifically, we would like to address the following issues.

The Moody patent was used to reject the claims under both sections 102 and 103. Therefore, an important issue is what Moody shows – and more importantly does not show.

One issue is whether the prior art Moody patent shows the diamond shape in applicants' invention; we believe it does not. The '063 Office Action stated:

"Moody discloses a poker [game] having five or seven cards in a closed figure . . . ; the playing cards are displayed in a diamond pattern." (Page 6).

"Moody discloses the claimed invention as discussed above except for cards dealt in a diamond pattern and cards are also dealt in the interior of the diamond forming a cross shape so that horizontal and vertical cards that form the cross could be separate hands . . ." (Page 7)

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"Moody does not expressly disclose a two-dimensional diamond shape such that one card is in each corner and the fifth card is in the center of the two dimensional diamond . . ." (Page 8).

The '314 Office Action stated:

"Moody discloses a poker game having cards (symbols) represented in a four sided diamond shape . . . each side has five card[s]. . ." (Page 4).

For reasons we can explain to you in detail, Moody is completely unrelated to applicants' inventions. His game does not have a diamond shape as set out in applicants' inventions. Moody's game is more akin to conventional multi-player table games where each player can use common cards displayed on the table. The fact is that Moody does not disclose a diamond shaped set of poker hands where each side of the diamond is a separate poker hand. Moody does not disclose having a common corner card that is shared between adjacent hands and does not show card exchanges.

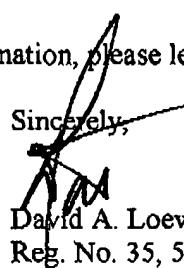
We believe a short discussion, together with a demonstration of applicants' games on a laptop computer, will show the significant differences between applicants' inventions and Moody and the other prior art. Moreover, combining references will not yield applicants' inventions.

The remaining issues that we would like to discuss include:

- Other prior art cited has similar shortcomings, which we can explain;
- The section 112 and 37 C.F.R. §1.75(e) rejections; and
- any possible amendments or cancellations that would put the claims into allowable form.

Based on this outline, I hope you agree to an interview either by phone or in person. We think an in-person interview would be more effective because we can bring a computer to show our games, and because of the graphical nature of some of these issues, we believe an in-person interview would be far more useful than a telephonic one.

If I can provide any additional information, please let me know. My number is 914-937-4119.


Sinceley,
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Fax Cover Sheet

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COMMENTS: